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EXAMINER

LONSBERRY, HUNTER B

ART UNIT	PAPER NUMBER
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2611

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/304,406	Applicant(s) SIPPLE ET AL.	
	Examiner Hunter B. Lonsberry	Art Unit 2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that there is no motivation to Combine Bennet with baker, and that Baker already enables applications on different machines to be seamlessly interconnected at column 4, lines 53-57 and that the examiner has failed to provide evidence or reasoning to show likelihood of success (pages 21-22).

Regarding applicant's argument, Applicants cited portions of Baker relate to a single application, VOD. There is no discussion at the cited portion of applications (plural) or middleware running on a number of different types of machines, thus there is no duplicative functionality between Baker and Bennet. Applicant has failed to substantiate Applicant's claim that there is no Expectation of Success beyond a simple statement. Per MPEP 2143.02 and as the Examiner has provided motivation and demonstrated obviousness to combine the references in the previous office action and repeated below, and as the electrical arts are predictable arts, and the Applicant has provided no evidence that suggests there is no reasonable expectation of success, the Examiner has carried the initial burden of factually supporting the prima facie conclusion of obviousness. In particular, Baker discloses the use of a VOD system which utilizes a

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telephone interface to make requests, but fails to specifically show a middleware environment. Bennett discloses in Figure 2, a VOD system with a gateway server 220 coupled to a media server 232 which runs a VOD server 234, all of which are interconnected via a CORBA middleware environment 226 (column 5, lines 9-56). Corba provides an interoperability environment, which enables applications on different machines to be seamlessly interconnected (column 5, lines 34-40). Bennet is cited merely to teach the use of a middleware environment in a VOD type service. Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Baker to utilize the middleware environment of Bennett thus enabling applications on different machines to be seamlessly interconnected. Further, newly the cited patent to Anderson teaches the use of a PC as a video server. Thus the Combination of Baker, Bennet and Anderson is proper.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 6, and 11-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,561 to Baker in view of U.S. Patent 5,132,992 to Yurt.

Regarding claim 1, Baker discloses in Figure 1-3 a video on demand system for supplying video data to a plurality subscriber receivers 22 via a program delivery network, the improvement comprising:

A data base storage system 10 (video server 12 coupled to disks 10, column 10, lines 44-46) containing a plurality of video on demand programs;

A temporary video storage memory 38 (figure 2, column 8, line 61-column 9, line 3, 54-58);

A transaction server 54 (column 10, lines 37-64) responsively coupled to said data base storage system 12, said temporary video storage memory 38, and said plurality of subscriber receivers 22 whereby each of said plurality subscriber receivers requests a different video on from said transaction server and said transaction server spools said different video on data base storage to said temporary demand programs from said video storage memory (column 7, lines 45-55, column 9, lines 1-4); and

A plurality of video servers 12 (figure 3) responsively coupled to said transaction server 54, and temporary video storage memory 38, and said plurality of subscriber receivers 22 via said program delivery network wherein said plurality of video servers are assigned by said transaction server to stream said spooled different video on demand programs from said temporary video storage memory to said plurality of plurality of video servers subscriber receivers via said program delivery network (column 10, lines 37-64).

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Baker fails to disclose a plurality of video servers directly coupled to the transaction server and temporary memory directly coupled to the video server and the transaction server.

Yurt discloses a video on demand system in figure 1c in which a remote order processing and item data base (transaction server) 300 is directly coupled to a number of video servers 200, which in turn are coupled to a number of subscriber receivers (column 4, lines 1-13, 64-column 5, line 9), temporary memory 117/118 is directly coupled to both the video server 200 and to the transaction server 300 (figure 1c, 2a, column 6, lines 9-22, column 13, lines 29-47 thus spreading out the load generated by a number of users by utilizing a plurality of video servers.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Baker to utilize the direct connection to the transaction server as taken by Baker, for the advantage of spreading out the load generated by a number of users by utilizing a plurality of video servers.

Regarding claim 6, Baker discloses in Figures 1-3, an apparatus comprising:

A plurality of subscribing receivers 22, each capable of providing a plurality of service requests (column 6, lines 12-37, column 8, lines 19-24)

A data base storage system 10 (video server 12 coupled to disks 10, column 20, lines 44-46) containing a plurality of video on demand programs;

A temporary digital storage memory 38 (figure 2, column 8, line 61-column 9, line 3, 54-58);

A transaction server 54 (column 10, lines 37-64) responsively coupled to said data base storage system 12 and said plurality of subscriber receivers 22, capable of receiving said plurality of service requests, accessing said plurality of video programs corresponding to the service requests from said database storage system (column 7, lines 45-55, column 9, lines 1-4); spooling into memory 38 (column 8, line 61-column 9, line 3, 54-58); and

A plurality of video servers 12 (figure 3) responsively coupled to said transaction server 54 and said plurality of subscriber receivers 22 via said program delivery network wherein said plurality of video servers are assigned by said transaction server to stream said spooled different video on demand programs from said temporary video storage memory to said plurality of plurality of video servers subscriber receivers via said program delivery network (column 10, lines 37-64).

Baker fails to disclose a plurality of video serves directly coupled to the transaction server.

Yurt discloses a video on demand system in figure 1c in which a remote order processing and item data base (transaction server) 300 is directly coupled to a number of video servers 200, which in turn are coupled to a number of subscriber receivers (column 4, lines 1-13, 64-column 5, line 9), temporary memory 117/118 is directly coupled to both the video server 200 and to the transaction server 300 (figure 1c, 2a, column 6, lines 9-22, column 13, liens 29-47 thus spreading out the load generated by a number of users by utilizing a plurality of video servers.

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Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Baker to utilize the direct connection to the transaction server as take by Baker, for the advantage of spreading out the load generated by a number of users by utilizing a plurality of video servers.

Regarding claim 11, Baker discloses a VOD system in figures 1-3 comprising:

Storing means 10 for storing a plurality of video programs (column 20, lines 44-46);

Plurality of generating means 22 for generating a plurality of different requested video on demand signals (column 6, lines 12-37, column 8, lines 19-24);

Identifying means 54 (column 10, lines 53-60) responsively coupled to said generating means and said storing means 10 for identifying a number of said plurality of video programs stored within said storing means corresponding to said plurality of different requested video on demand signals;

Spooling means 38 responsively coupled to said identifying means and said storing means for spooling said corresponding number of said plurality of video programs which said identifying means identifies (column 8, line 61-column 9, line 3, 54-58) and

A plurality of streaming means 18 (column 10, lines 40-44) responsively coupled said spooling means and said receiving means for streaming said spooled number of said plurality of video programs corresponding to said plurality of different requested video on demand signals to said plurality of generating means 22 wherein said spooling

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means assigns one or said plurality of streaming means to stream said spooled number of said plurality of video programs to said plurality of generating means (column 10, lines 44-64).

Baker fails to disclose a plurality of video serves directly coupled to the transaction server.

Yurt discloses a video on demand system in figure 1c in which a remote order processing and item data base (transaction server) 300 is directly coupled to a number of video servers 200, which in turn are coupled to a number of subscriber receivers (column 4, lines 1-13, 64-column 5, line 9), temporary memory 117/118 is directly coupled to both the video server 200 and to the transaction server 300 (figure 1c, 2a, column 6, lines 9-22, column 13, lines 29-47 thus spreading out the load generated by a number of users by utilizing a plurality of video servers.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Baker to utilize the direct connection to the transaction server as take by Baker, for the advantage of spreading out the load generated by a number of users by utilizing a plurality of video servers.

Regarding claim 12, Baker discloses that a subscriber receives the VOD program on a receiver (decoder 22, column 8, lines 18-41).

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Regarding claim 13, Baker discloses that video server 12 or Control server 54 acts as a transaction gateway (column 7, lines 28-55, Figure 4, column 10, line 56-column 11, line 22).

Regarding claim 14, Baker discloses that video server 54 processes subscriber transactions (column 10, lines 54-64).

Regarding claim 15, Baker discloses that video server 12 is a Unisys mainframe (column 8, lines 42-48).

Regarding claim 16, Baker discloses a method of providing video on demand services (figure 8) comprising:

Storing a plurality of video programs in a video storage facility 10 (column 6, lines 37-49);

Receiving a video on demand request from a subscriber 22 at a transaction server 54 (column 10, lines 54-64);

Determining a one of said plurality of video programs corresponding to said video on demand request (column 10, lines 54-64);

Spooling said one of said plurality of video programs corresponding to said video on demand request from said video storage facility 10 into a temporary storage facility 38 (column 8, line 61-column 9, line 3, 54-58) by said transaction server (column 10,

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lines 29-36, 64-column 11, line 21, control server 54, controls access to the video servers and instructs the video servers 12 when to load a program into memory);

Assigning one of a plurality of video servers 12 responsively coupled to subscriber to stream said one of said plurality of video programs corresponding to said video on demand request to said subscriber (column 10, lines 54-64); and

Streaming said spooled video program from said temporary video server to said storage facility by said assigned subscriber (column 10, lines 54-64).

Baker fails to disclose the transaction server determining which program corresponds to a VOD request.

Yurt discloses that a user may request a program via a remote order processing and item database 300 (transaction server) which processes the content and sends the content to the user (column 11, line 54-column 13, line 48) if the user cannot remember the title of the program, the transaction server is able to determine a number of matching programming by allowing the user to name unique facts about the item (column 12, lines 8-28), thus enabling a user to easily find a program of interest.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Baker to utilize the determination features of the transaction server of Yurt, for the advantage of providing an easy way for a user to find programming of interest.

Regarding claim 17, Baker discloses that the VOD stream may be paused in response to a viewer command (column 12, lines 7-17).

Regarding claim 18, Baker discloses that the VOD stream may be rewound in response to a viewer command (column 12, lines 7-17).

Regarding claim 19, Baker discloses in Figure 8, that a user make issue a forward request 132 (column 16, lines 5-9).

Regarding claim 20, Baker discloses that video server 12 performs subscriber accounting and bills a subscriber for a VOD program request (column 7, lines 33-51).

Regarding claim 21, Baker discloses an apparatus for delivering video on demand programs to a plurality of requesters 22 comprising:

- a software controlled transaction server 54 responsively coupled to said plurality of requesters 22 which manages an interface between said apparatus and said plurality of requesters (column 10, lines 54-64);

- a storage facility 10, which contains a plurality of video programs (column 6, lines 37-49);

- a temporary memory 38 (column 8, line 61-column 9, line 3, 54-58) wherein said software controlled transaction server 54 spools a requested one of said plurality of video programs requested by one of said plurality of requesters (column 10, lines 54-64);

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a plurality of video servers 12 (column 10, lines 38-44) from which said software controlled transaction server 54 assigns a particular one of said plurality of video servers 12 wherein said particular one of said plurality of video servers streams said requested one of said plurality of video programs from said temporary memory to said one of said plurality of requesters (column 10, lines 54-64).

Baker fails to disclose a plurality of video serves directly coupled to the transaction server.

Yurt discloses a video on demand system in figure 1c in which a remote order processing and item data base (transaction server) 300 is directly coupled to a number of video servers 200, which in turn are coupled to a number of subscriber receivers (column 4, lines 1-13, 64-column 5, line 9), temporary memory 117/118 is directly coupled to both the video server 200 and to the transaction server 300 (figure 1c, 2a, column 6, lines 9-22, column 13, liens 29-47 thus spreading out the load generated by a number of users by utilizing a plurality of video servers.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify Baker to utilize the direct connection to the transaction server as take by Baker, for the advantage of spreading out the load generated by a number of users by utilizing a plurality of video servers.

Regarding claim 22, Baker discloses a plurality of video program sources 10 responsively coupled to said software controlled transaction server which stores said

plurality of video programs from said plurality of program sources in said storage facility (figures 1-3).

Regarding claim 23, Baker shows in figure 1, a network 20, from which video server 12 streams video from storage 10 to decoder 22.

Regarding claim 24, Baker shows that requests originate from subscriber STB 22 (column 10, lines 56-64).

3. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,561 to Baker in view of U.S. Patent 5,132,992 to Yurt in further view of U.S. Patent 5,826,085 to Bennett and U.S. Patent 5,519,435 to Anderson.

Regarding claim 2, Baker discloses a VOD system.

The combination of Baker and Yurt does not disclose a transaction gateway in a middleware environment and a video server frame, stream spooling program coupled to the transaction gateway in a middleware environment, and the use of a PC as a video server.

Bennett discloses in Figure 2, a VOD system with a gateway server 220 coupled to a media server 232 which runs a VOD server 234, all of which are interconnected via a CORBA middleware environment 226 (column 5, lines 9-56). Corba provides an

interoperability environment, which enables applications on different machines to be seamlessly interconnected (column 5, lines 34-40).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Baker and Yurt to utilize the middleware environment of Bennett thus enabling applications on different machines to be seamlessly interconnected.

The combination of Baker, Yurt and Bennet fails to disclose the use of a PC as a video server.

Anderson discloses a VOD system that utilizes a PC 22 connected to a RAID array 12 which uses data stripping (column 4, lines 4-58), thus providing a low cost server which provides high-speed performance via a RAID array.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Baker, Yurt and Bennet to utilize the PC of Anderson as a video server, for the advantage of providing a low cost server which provides high-speed performance via a RAID array.

Regarding claim 3, Baker discloses that video server 12 may be a mainframe system (column 8, lines 43-51) and discloses in Figure 3 that the mainframe (video server 12) may be coupled to a transaction server 54 (control server 54, column 10, lines 38-63), additionally the mainframe can act as a transaction server in of itself (column 7, lines 28-55). Additionally Baker discloses that video server 12, which may be a Unisys 2200 series computer, and control server 54 utilize common application

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software (column 10, lines 28-63), and only discloses utilizing open API's within the applications software to interface with the video library (column 11, lines 1-21), control server 54 must be a Unisys mainframe.

Further, Yurt discloses a transaction server 300 coupled to a number of video servers and subscriber receivers.

Regarding claim 4, Baker discloses that video server 12 may be a Unisys mainframe system (column 8, lines 43-51).

Regarding claim 5, Baker discloses that the transaction server may spool the video (column 8, line 61-column 9, line 3) and that the format can be MPEG 2 (column 7, lines 9-16).

4. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,561 to Baker in view of U.S. Patent 5,132,992 to Yurt in further view of U.S. Patent 5,826,085 to Bennett.

Regarding claim 7, Baker discloses that video server 12 performs subscriber accounting and bills a subscriber for a VOD program request (column 7, lines 33-51).

Regarding claim 8, Baker discloses a VOD system.

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The combination of Baker and Yurt does not disclose a transaction gateway in a middleware environment and a video server frame and stream spooling program coupled to the transaction gateway in a middleware environment.

Bennett discloses in Figure 2, a VOD system with a gateway server 220 coupled to a media server 232 which runs a VOD server 234, all of which are interconnected via a CORBA middleware environment 226 (column 5, lines 9-56). Corba provides an interoperability environment, which enables applications on different machines to be seamlessly interconnected (column 5, lines 34-40).

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Baker and Yurt to utilize the middleware environment of Bennett thus enabling applications on different machines to be seamlessly interconnected.

Regarding claim 9, Baker discloses that the transaction server may spool the video (column 7, line 45-55) and that the format can be MPEG 2 (column 7, lines 9-16).

Regarding claim 10, Baker discloses that video server 12 may be a Unisys mainframe system (column 8, lines 43-51). See claim 3.

5. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,583,561 to Baker in view of U.S. Patent 5,132,992 to Yurt in further view of U.S. Patent 6,678,891 to Wilcox.

Regarding claim 25, Baker discloses a VOD ordering system.

The combination of Baker and Yurt fails to disclose enabling a requester to request delivery of a pizza.

Wilcox discloses in figures 30-47 a pizza delivery application, which enables a user to order a pizza, thus enabling a user to order a pizza without making a telephone call.

Therefore, it would have been obvious to one skilled in the art at the time of invention to modify the combination of Baker and Yurt to include the pizza-ordering interface of Wilcox, thus enabling a user to order a pizza without making a telephone call.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hunter B. Lonsberry whose telephone number is 571-272-7298. The examiner can normally be reached on Monday-Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HBL